

Appl. No. 10/766,162
Amdt. Dated May 17, 2006
Reply to Office action of November 17, 2006

Amendments to the Drawings

A new drawing sheet Fig. 9 has been added by amendment as shown on the attached drawing sheet.

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The drawings were objected to for not showing every feature of the claims. A new drawing Figure 9 has been added by amendment to show “a plurality of modules being mounted to said base part” as now set forth in claim 1. The specification has been amended for consistency. Care has been taken to ensure that no new matter has been added. In particular, Figure 9 is illustrated very schematically, wherein a housing (3) and modules (51) are shown as generic boxes. Any features of claim 1 that are not specifically illustrated in the new Figure 9 can be seen by cross-referencing the more detailed illustrations of the housing (3) and modules (51) in Figures 1 and 3. It is respectfully submitted that the objection has been overcome by the amendments.

Claims 1-3 and 10 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Claims 1-3 and 10 have been amended accordingly to overcome the rejection. Each of the limitations of the claims is sufficiently described in the specification for purposes of 35 U.S.C. 112.

Specifically, claim 1 now requires “a plurality of modules being mounted to said base part.” As set forth in the specification *as filed* on page 12, lines 2-4, “If necessary, more such modules 51 can be stacked on the basic module of the hearing aid shown in FIG. 1.” It is noted that this language has been amended herein for the purpose of referencing the newly added drawing Figure 9.

Claims 1-3 and 10 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 4,890,330 to Meyer (hereinafter “Meyer”) in view of U.S. Patent No. 6,144,748 to Kerns (hereinafter “Kerns”). Claim 1 has been amended to better distinguish from the cited references. Therefore, for the following reasons the rejection has been rendered moot by the amendment.

Regarding claim 1, neither Meyer nor Kerns teaches or suggests a hearing device comprising a “housing having a base part and a plurality of modules being mounted to said base part via a hinge part, one of said plurality of modules being . . . releasably mounted to

another one of said plurality of modules,” as required. The audio connection (10) taught by Meyer is an attachable module which includes a battery compartment (17). The audio connection (10) is a single, unitary module attached to a housing (2) of the hearing aid (1) via a pivot pin (4) of the housing (2). Meyer does not teach or suggest a *plurality of modules* being connected to the housing (2) via the pivot pin (4), as in claim 1. Further, Kerns merely teaches an auxiliary device (240) that interfaces with a hearing device (210). Neither Meyer nor Kerns suggests modifying their teachings to include a *plurality of modules*, as in claim 1. Thus, each and every limitation of the claim is not taught or suggested by Meyer, Kerns or a combination thereof. Therefore, claim 1 and its dependent claims 2 and 3 are patentable over the prior art of record.

Further, a new claim 10, which depends from claim 1, has been added by amendment herein. Claim 10 is patentable for at least the reasons described above with regard to claim 1.

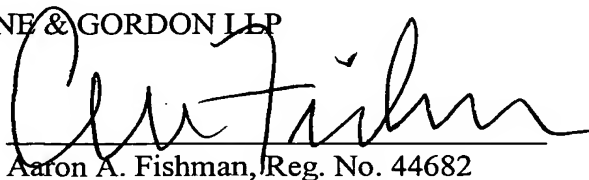
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 31856US3.

Respectfully submitted,

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